



# POLICE / PROSECUTOR UPDATE



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This month we will take a brief look at new and amended legislation. All will take effect on July 1.

P.L. 221-2003 amended **IC 35-33-1-1** to allow for the arrest of a person upon probable cause to believe that the person is violating or has violated IC 35-45-2-5 (interference with the reporting of a crime) and is interfering with or preventing the reporting of a crime involving domestic or family violence.

P.L. 195-2003 added **IC 35-47-4-6**, which creates the new crime of unlawful possession of a firearm by a domestic batterer, a *Class A misdemeanor*. It prohibits a person who has been convicted of domestic battery (IC 35-42-2-1.3) from knowingly or intentionally possessing a firearm. It also creates a defense to the crime.

P.L. 22-2003 amended the identity deception statute, **IC 35-43-5-3.5**, to add to the crime the use of identifying information with the intent to assume another person's identity or the intent to profess to be another person. It also expanded the definition of identifying information to include a person's address, place of employment, employer identification number, and mother's maiden name.

P.L. 232-2003 amended the false informing statute, **IC 35-44-2-2**, to also prohibit the making of a complaint against a law enforcement officer to the state or municipality that employs the officer alleging the officer engaged in misconduct while performing the officer's duties, knowing the complaint to be false. "Misconduct" means a violation of a departmental rule or procedure of a law enforcement agency. It also amends **IC 35-47-4.5-4** to prohibit directing a laser pointer at a state police motor carrier inspector.

P.L. 161-2003 expands child seduction (**IC 35-42-4-7**) to include engaging with the child in any fondling or touching with the intent to arouse or satisfy the sexual desires of either the child or

the adult. It also includes within the definition of "child care worker" a person who is employed by a school corporation or a nonpublic school attended by a child-victim.

P.L. 225-2003 added three new drug offenses.

**IC 35-48-4-14.5(b)** criminalizes possession of a single precursor of methamphetamine. Makes it a *Class D felony* to possess more than 10 grams of ephedrine, pseudoephedrine, or phenylpropanolamine, their salts or isomers, or a combination of any of these substances exceeding 10 grams. The offense is a *Class C felony* if committed while possessing a firearm or if committed within 1,000 feet of school property, a public park, a family housing project, or a youth program center. **IC 35-48-4-14.5(g)** creates the crime of unlawful sale of a precursor. It is committed by a person who sells, transfers, distributes, or furnishes a chemical reagent or precursor to another person with knowledge or the intent that the recipient will use it to manufacture methamphetamine, methcathinone, amphetamine, or phentermine. It is a *Class D felony*. Finally, **IC 35-48-4-13.3** will penalize a person who takes a child (less than 18) or an endangered adult into a building, structure, vehicle, or other place that is being used by any person to unlawfully possess drugs or controlled substances or to manufacture, keep, offer for sale, sell, deliver, or finance the delivery of drugs or controlled substances. It is a *Class A misdemeanor* (*Class D felony* with a prior unrelated conviction).

P.L. 175-2003 amends **IC 35-42-2-1** to make battery a *Class A misdemeanor* or *Class D felony* if committed on a "community policing volunteer" (defined in new IC 35-41-1-4.7) while the volunteer is performing prescribed duties, or committed because the person is a community policing volunteer.